

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

DAVID SPAHR

Plaintiff

v.

SALEM BOTANICALS CORPORATION

Defendants.

Civil. No. 19-00096(NLH/JS)

SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel at the initial scheduling conference on April 29, 2019; and the Court noting the following appearances: Ben David Manevitz, Esquire, appearing on behalf of plaintiff; and Neil Friedman, Esquire, appearing on behalf of defendant.

IT IS this 3rd day of **May, 2019**, hereby **ORDERED**:

1. By **May 15, 2019**, plaintiff shall produce all licensing agreements regarding the copyright and photo at issue in the litigation

2. The parties shall serve FED. R. CIV. P. 26(a) disclosures on or before **May 17, 2019**.

3. By **May 17, 2019**, the parties shall forward a joint letter to the Court stating that they have conferred pursuant to L. Civ. R. 26.1(b)(2) and 26.1(d) concerning discovery of digital information and advise whether the parties have agreed on computer-based and other digital discovery matters. All disputes shall be identified in the joint letter. No issue will be addressed unless the letter is accompanied by an Affidavit that complies with L. Civ. R. 37.1(b)(1). All outstanding discovery issues not raised shall be deemed waived.

4. Initial written discovery requests shall be served by **June 7, 2019**. Any responses, answers and objections to initial written discovery requests shall be served in accordance with Court Rules.

5. By **June 14, 2019**, the parties shall serve the Court with an agreed upon Discovery Confidentiality Order that complies with L. Civ. R. 5.3 or a copy of the latest version of the Order with a list of the issues in dispute. Unless good cause is shown, the parties shall use the form included as Appendix S to the Local Civil Rules of Procedure. The applicable rule no longer requires that a separate Certification be served.

6. The time within which to seek amendments to the pleadings or to add new parties will expire on **August 1, 2019**. Except as otherwise permitted in the Federal and Local Rules of Civil Procedure, leave of court is necessary to file an amended pleading.

7. Pretrial factual discovery is hereby extended to **November 27, 2019**.

8. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendant no later than **December 16, 2019**. All expert reports and expert disclosures pursuant to Fed. R. CIV. P. 26(a)(2) on behalf of defendant shall be served upon counsel for plaintiff no later than **January 15, 2020**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. Depositions of expert witnesses shall be concluded by **February 14, 2020**.

9. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **March 2, 2020**, in accordance with the applicable Federal and Local Rules of Civil Procedure. This Order is subject to the Individual Rules and Procedures (if any) of the presiding District Judge.

10. It will be necessary for counsel to cooperate in preparing the form Joint Final Pretrial Order. The instructions for preparing the Order can be found on the website at <http://www.njd.uscourts.gov/sites/njd/files/pretrialorder%20camden.pdf>. The Joint Final Pretrial Order signed by all counsel shall be delivered to the Court **three (3) days before** the in-person Final Pretrial Conference to be held on **April 27, 2020 at 10:00 a.m.** The plaintiff's portion of the proposed order shall be prepared and sent to defense counsel no later than **March 30, 2020**. Defendant's portion of the proposed order shall be prepared and returned to counsel for plaintiff no later than **April 13, 2020**.

LEAD TRIAL COUNSEL FOR ALL PARTIES SHALL APPEAR AT THE FINAL PRETRIAL CONFERENCE AND SHALL BE PREPARED TO DISCUSS SETTLEMENT OF THE CASE.

11. If a dispositive motion is filed by the Court Ordered deadline, the Final Pretrial Conference shall be deemed postponed, and will be rescheduled, if necessary, after the motion is decided.

12. At least three (3) days prior to the next scheduled conference, the parties shall send the Court a letter identifying all discovery disputes. No issue will be addressed unless the letter is accompanied by an Affidavit that complies with L. Civ. R. 37.1(b)(1). All outstanding discovery issues not raised shall be deemed waived.

13. The Court will conduct a telephone conference on **November 7, 2019 at 10:00 A.M.** Counsel for plaintiff shall initiate the telephone call.

14. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).

s/ Joel Schneider

JOEL SCHNEIDER
United States Magistrate Judge